

Remarks:

Claims 6-14 remain for consideration in this application along with newly added claims 24 and 25.

In the office action dated January 27, 2005, the Examiner withdrew the indicated allowability of claims 6-14 in view of the newly discovered references to McLaughlin and Kessell. Applicants have amended independent claim 6 and have added new independent claim 24 in order to distinguish these new references.

The Examiner rejected claims 6-9 and 12-14 under 35 U.S.C. §102(b) as being anticipated by McLaughlin. Applicants have amended claim 6 to recite that the carrier is selected from the group consisting of aliphatic and aromatic C4-C20 hydrocarbon compounds, glycol ethers, esters, gasoline, diesel, and kerosene. Likewise, new claim 24 recites that the carrier is selected from the group consisting of fuels and fuel additives. Support for this amendment can be found on page 4, lines 14-15 and 20-24 as originally filed.

McLaughlin teaches flame retardants and/or smoke suppressants that can be incorporated into fibers, textiles, polymeric articles, paper, paint, coatings and insulation. These suppressants comprise finely divided particles of various metal-containing compounds. McLaughlin teaches that these particles may be dispersed in water, organic liquids or meltable solids. McLaughlin does not teach the specific carriers that are presently claimed. As all of the presently claimed carriers are considered flammable substances, certainly it would not be obvious to use them in a flame retardant or smoke suppressant formulation. Thus, one would not be motivated to select the specific carriers now being claimed from the general fluid vehicles (or even the named exemplary vehicles) recited

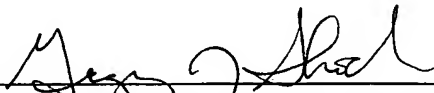
in McLaughlin. Therefore, Applicants respectfully request that the rejection under McLaughlin be withdrawn.

The Examiner rejected claims 6, 8, 10 and 12-14 under 35 U.S.C. §102(e) as being anticipated by Kessell. The Examiner also rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Kessell. Kessell discloses dispersions of metal oxides in siloxane dispersing media. Kessell does not disclose dispersing metal oxides in any of the claimed carriers. Although Kessell does briefly mention an emulsion having an oil phase comprising 10-60% by weight of the emulsion, clearly Kessell is referring to the siloxane fluid as the "oil" medium rather than "oil" in the petroleum or hydrocarbon sense. Thus, Kessell does not enable or motivate one to select the presently claimed carrier materials. Therefore, Applicants request that the rejections to Kessell be withdrawn.

Applicants are including herewith a petition for a three-month extension of time along with a check in the amount of \$510.00. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

By 

Gregory J. Skoch / Reg. No 48,267
HOVEY WILLIAMS, LLP
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
816/474-9050

ATTORNEYS FOR APPLICANT(S)